IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3060/07
Tara Chand Jhanwar & Anr.
Vs.
Revenue Appellate Authority, Ajmer & Anr.

27.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Dilip Sharma for petitioners.

Heard learned counsel for the petitioners.

The petitioners have prayed for a direction to the Revenue Appellate Authority, Ajmer that the application u/s. 5 of the Limitation Act be decided prior to registration of the appeal filed u/s. 75 of the Rajasthan Land Revenue Act against the order of District Collector, Ajmer.

According to learned counsel, the

appeal would not be competent unless the delay condonation application is decided first and therefore the order passed by the Divisional Commissioner on 5.4.2007 directing that the appeal as well as application seeking condonation of delay would be taken up simultaneously for consideration is bad in law. Though the copy of the order dated 5.4.2007 has not been produced on record but during the course of arguments, the learned counsel for the petitioners has furnished certified copy of that order for perusal of the Court. It appears from the order that the said order has been reported by the Court Reader and not by the Presiding Officer because on that date Presiding Officer was stated to be away at Jaipur. All that has been recorded is that the

file as earlier directed be posted for arguments on the application u/s. 5 of the Limitation Act along with appeal on 18.4.2007. It is stated by the learned counsel that on 18.4.2007, the Revenue Appellate Authority has further directed that appeal as well as delay condonation application would be taken up for consideration on 28.4.2007. If the Revenue Appellate Authority has decided to also examine the merits of the case before condoning the delay, I see no irregularity in the process because if it finds no merit in the appeal, it may not even necessary to condone the delay. The petitioners apart from the merits of the case may raise their arguments with regard to delay also before Revenue Appellate Authority.

No interference is called for. The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-